THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.27806 of 1997

Dated:28.2.2007

Between

1.Kanakadurga Rao and others.

.....Petitioners

and

1. The Divisional Electrical Engineer,
Operation Division, Bhimavaram,
West Godavari District and others.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.27806 of 1997

ORDER:

This writ petition is filed seeking a Mandamus to direct the respondents to promote the petitioners as linemen from the date on which their juniors were promoted and further to declare the action of the respondents in promoting the Assistant Linemen as Linemen vide order dated 1.8.1997 as arbitrary and illegal.

The petitioners are four in number. According to them, they joined in the respondent-board as NMRs. After working for a period of six years, all of them were appointed as helpers, now designated as Junior linemen. After working for a period of 12 years, they were promoted to the post of Assistant

Linemen. Despite working as Assistant Linemen since 1981, the petitioners were not considered for promotion. According to the petitioners, the 1st petitioner is at serial No.32; 2nd petitioner is at Sl.No.23, 3rd petitioner is at Sl.No.21, and 4th petitioner is at Sl.No.31 in the seniority list of Assistants Linemen. While that being so, on 1.8.1997 the 1st respondent promoted 16 Assistants Linemen as Linemen. According to the petitioners, the persons who are juniors to them are promoted and therefore, the action of the respondents is nothing but humiliating the petitioners, who are seniors.

A detailed counter affidavit has been filed by the respondents denying the allegations made by the petitioners. It is stated that the fact that the petitioners are not qualified and not eligible for promotion to the post of Linemen is suppressed. APSEB has issued orders under BPMs No. 1048 dated 23.9.89 fixing the minimum educational qualification for

the post of Helper (Junior Lineman) as ITI Technical qualification with SSC pass. Further, the ratio of 4:1 was fixed for promotion to the next post up to the cadre of Lineman according to seniority among qualified and unqualified and accordingly, the cases of unqualified workmen are being considered for promotion as per their seniority. The petitioners being unqualified, they have not came up for promotion in their turn against the approved ratio of 4 : 1 among unqualified candidates in the seniority list. Therefore, their cases were not considered along with the persons those who are promoted w.e.f. 1.8.1997.

Heard the learned counsel on either side.

From the above, it is clear that the petitioners being unqualified persons, they are entitled for one post out of four posts and the case of the petitioners has not come up for consideration in the ratio of 4 : 1. Further, it is asserted in the counter that the case of the

petitioners will be considered as and when vacancies arise and their turn matured to the post of lineman.

In view of the above, no ground is made out calling for interference of this Court under Article 226 of the Constitution of India. Writ petition is devoid of merits and is liable to be dismissed.

Writ petition is accordingly dismissed. No costs.

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28-02-2007

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